



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927

Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

April 13, 2006

Ms. Jaclyn L. Brock
Alaska Department of Natural Resources
Office of Project Management & Permitting
Alaska Coastal Management Program
302 Gold Street
Juneau, AK 99801

RE: Response to Request for Additional Information
Anchorage Coastal Management Plan- 2006 Final Draft Plan Amendment

Dear Ms. Brock:

The purpose of this letter is to present the Municipality of Anchorage's response to the Alaska Department of Natural Resources (ADNR) March 22, 2006, Request for Additional Information (RAFI) regarding the *March 2006 Anchorage Coastal Management Program Final Draft Plan Amendment* (Final Draft Plan). Our response to the RAFI is described below.

On March 1, 2006, the Municipality of Anchorage (Municipality) submitted the following to ADNR:

- Final Draft Plan Amendment and Plan Maps,
- Copy of resolution of support from the municipal Planning and Zoning Commission,
- Public distribution mailing list,
- Names of parties that provided comments,
- Copies of comments received,
- Copies of the minutes or summary of any public meetings held, and
- Written documentation of consultation with state and federal agencies.

RAFI #1 AS 46.40.070 (a)(2)(C) (iii) ADEQUATELY ADDRESSED

Although there is no specific requirement for policy-by-policy justifications in state law, we have developed the following response to the RAFI regarding enforceable policies (EP).

Community, Security, Prosperity

Designated Recreation Use Area Enforceable Policies

Pursuant to the regulations for the recreation designation, the lands and waters within the Anchorage coastal zone defined in our plan as the Designated Recreation Use area are currently used, and/or have the potential to be used, for recreational purposes. As our plan states, there exist documented physical, biological, and cultural features upon which recreational use in Anchorage depends. Recreation uses within the designated area include existing and planned features for trails, organized sports, special event venues, and for passive activities such as tourism and wildlife viewing.

The following enforceable policies (EP) are applicable throughout the Municipality's coastal zone/Designated Recreation Use Area: EP-1 through EP-6.

EP-1 Uses and Activities Adjacent to Streams

State and federal regulations, including the state habitat standard, 11 AAC 112.300 Habitats (8), do not specifically provide for, or require, a setback from ordinary high water (OHW). Title 41 permits focus only on activities below OHW. The only state setback requirement is for on-site septic systems, which must be 100 feet from a waterbody. State and federal regulations have historically relied upon coastal district programs or local land use codes to define a setback necessary to protect the special productivity of the habitat. The State's "avoid, minimize, and mitigate" sequencing provisions do not specifically define a setback and are applied on a case-by-case basis, which renders the permit process uncertain for the applicant. General Concurrence (GC) provisions of the ACMP, known as the "A-B-C List," only address fuel, oil, and petrochemical storage within a stream setback. Our plan provides a much more specific and clearer definition of what can and cannot occur within the setback and adjacent to the setback.

EP-2 Clearing of Native Vegetation

This policy provides very specific standards for the clearing of native vegetation within the setback from waterbodies and works in concert with policy EP-1. State and federal regulations do not describe, nor do they define, when and where the clearing of native vegetation can occur. Even the GC provisions of the ACMP are not specific to this particular activity.

EP-3 Buffering and Screening

Buffering and screening are required under the authority of the Designated Recreation Use Area for those portions of a parcel within the designation. The policy is designed to address physical, noise, and visual impacts to resources upon which recreation use depends. State and federal regulations do not describe, nor do they define, how impacts to visual resources are to be addressed.

EP-4 Waterfront Development

The Anchorage plan addresses a number of important local issues regarding waterfront development and shoreline access. The Statewide Standard for coastal development directs coastal districts to prioritize uses and activities in the coastal area based on whether the uses are water-dependent, water-related, or neither water-dependent nor water-related but without an inland alternative. These terms are broad in scope and water-dependent and water-related development is limited by state law to marine coastal waters. We have taken note that the word “coastal” needs to be deleted from policy EP-4.

Policy EP-4 has been written under the authority of the Designated Recreation Use Area to protect the biological, physical, and cultural attributes of the resources upon which recreation use depends. The new plan acknowledges the unique concern that Anchorage residents have for lakeshores and stream channels and also documents sensitivity to development. Details on resource values are described in our Resource Inventory and Analysis and mapping components of the plan.

EP-5 Coastal Access

State and federal laws that address public access are agency specific, limited to lands within the jurisdiction of that agency, and conditioned on the action proposed by that agency. Policy EP-5 is more specific and complements state and federal laws by ensuring that local issues are addressed. Furthermore, policy EP-5 has been written under the authority of the Designated Recreation Use Area to protect the resources upon which recreation use depends.

We have taken note that the word “coastal” needs to be replaced in policy EP-5. The title of policy EP-5 will be revised to read “Shoreline Access” instead of “Coastal Access.” The wording “coastal zone” in policy EP-5 (B) needs to be changed to “Designated Recreation Use Area.”

EP-6 Capital Improvements

Capital improvements are not addressed in state or federal regulation. Title 38 only applies to tidelands and does not address specific uses and activities such as walkways.

Designated Important Habitat (IH) Area Enforceable Policies

Pursuant to the regulations for designating important habitats, land and water uses in Anchorage’s Designated Important Habitat Area have the potential, or have been previously demonstrated to have a direct and significant impact on coastal waters. These habitats have been documented to be biologically and significantly productive on their own, and also as contributors to coastal productivity. These important habitats are directly and indirectly linked to, and

support, coastal waters because of their physical and biological features; i.e., local terrain, surface and subsurface hydrology, presence of numerous parks and greenbelts, viewsheds, and presence of plant communities. The following policies are applicable only within the Designated Important Habitat Area.

IH-1 Revegetation Requirements

11 AAC 112.300 Habitats (b)(9)(B) and 11 AAC 112.300 (c)(1)(B) and 11 AAC 112.300 (c)(2) do not include specific habitat management criteria necessary for addressing the special productivity documented to exist in Anchorage's Designated Important Habitat Area. Revegetation requirements and setbacks are not required by state or federal regulations. State and federal laws only apply to receiving waters. Policy IH-1 specifically addresses post-construction revegetation within the riparian management area – to stop pollutants before they reach receiving waters.

IH-2 Stream Channel Restoration and Enhancement

11AAC112.300 Habitats (b)(9)(B), 11AAC112.300(c)(1)(B), and 11AAC112.300 (c)(2) do not establish specific standards for the maintenance of stream function or use of non-invasive species when conducting stream channel restoration and enhancement activities. Invasive species have become a local issue in the Anchorage area.

IH-3 Wetlands

Table 2 of the *Anchorage Wetlands Management Plan* (AWMP), referenced in policy IH-3, is an attachment to this letter. In addition, specific scientific documentation of the wetlands classification system can be found in the AWMP. The AWMP is a matter of record and has been adopted by the State as part of the "A-B-C List."

The Statewide Standard, 11 AAC 112.300 Habitats (a)(3) and (b)(3) is limited to avoiding, minimizing, or mitigating significant adverse impacts to water flow and natural drainage patterns. The standard does not address the functions and values of the wetlands, which is described in depth in the AWMP. According to 11 AAC 114.270, District Enforceable Policies, the district may "adopt enforceable policies that will be used to determine whether a specific land or water use or activity will be allowed." The AWMP provides specific measures for implementing the "avoid, minimize, or mitigate sequence." These measures provide the necessary specificity for determining whether a specific land or water use or activity will be allowed; to protect significant natural resources (the wetland resource and function); and to provide for economic development and growth and improved governmental decision-making.

Since 1982, the Municipality has quantified and assessed the functions of all its known and mapped freshwater wetlands. This is accomplished by a peer-reviewed, agency-adopted

Anchorage Wetlands Assessment Method. Scores from these assessments were generated and individual wetlands were separated along a scoring gradient scheme. Each wetland was then given a formal designation of "A," "B," or "C" that directed which U.S. Army Corps of Engineers (USACE) permit would be required for development and fill activities at each wetland area.

More importantly, the Municipality constructed a site-specific management strategy for each wetland unit, which is the Table 2 referenced in policy IH-3 and attached to this letter. Table 2 was incorporated into the original *Anchorage Coastal Management Plan* as enforceable policies. The USACE then strictly adhered to and used these site-specific details for permit guidance and conditions. Each of these site-specific strategies offered far more detail and specificity for management of each wetland compared to that which might have been applied in a USACE permit action. These site-specific conditions and policies addressed development activities per federal guidelines found in 40 CFR, Part 230, commonly known as the "404(b)(1) guidelines."

In addition, the AWMP has long been an adopted element of Anchorage's Comprehensive Plan and is intentionally a local expression of wetlands management detail. The Municipality adopted the AWMP plan primarily because the USACE permit process is not site-specific or detailed enough to represent local community needs and concerns about individual wetland areas. The AWMP policies are a detailed supplement to the USACE permit process. The AWMP policies address details and local issues that are not otherwise addressed in federal or state regulation.

IH-4 Stream Crossings

Stream crossings, not in-stream work, and the placement of impervious surfaces are not addressed specifically in state or federal regulation. The ACMP Habitat Standard and description of the riparian management area addresses natural water flow but does not address vegetation removal, bank, erosion, and streamside degradation associated with stream crossings. In addition, the "avoid, minimize, or mitigate sequence" does not address retention or restoration requirements when a transportation or utility project crosses or impacts the stream.

IH-5 Impervious Surface Thresholds

The Municipality's Watershed Management Section is in the process of establishing impervious surface mapping and volume determinations. From those data they will develop impervious threshold numbers for each of Anchorage's watersheds. This has been identified as an implementation item for the Municipality's NPDES Permit, and will be administered via the municipal Design Criteria Manual. Actual administration of these volumes, thresholds, measurements, and mitigation requirements will come from reviews associated with municipal grading, fill, and land use permits, and as conditions on stormwater permits.

The concept for the threshold feature is based on data, research, and local knowledge of Anchorage creeks. Anchorage's creeks have higher storm event flows, faster responses to storm events, and lowering base flows, all due to impervious surface coverage and loss of natural areas that attenuate storm water. The special productivity of Anchorage's mapped Important Habitats is constantly impacted by these water quantity and related water quality issues.

Once a threshold is established for each watershed, the Watershed Management Section will determine how new developments will impact or alter runoff volumes and times, and require, through permit reviews, mitigation actions. These could be either on-site or off-site to offset anticipated impacts. This approach is very much a local regulatory action and is not addressed in state or federal regulations.

RFAI #2 11 AAC 114.250 (c) CRITERIA FOR PLAN DESIGNATIONS

As described above under RFAI #1, the Municipality has designated its entire coastal zone boundary as a Designated Recreation Use Area. According to 11 AAC 114.250, the following subject areas can be established as "designated areas": important habitat, recreational use, tourism use, natural hazards, major energy facilities, commercial fishing and seafood processing facilities, and history and archaeology. There are resources within the Designation that have important physical, biological, and cultural attributes upon which existing recreation uses and potential recreation uses depend.

Within the Designated Recreation Use Area, there is a sub-area that has been delineated as a Designated Important Habitat Area. The sub-area was designated because it has been demonstrated to have a high sensitivity to development using the Anchorage Sensitivity Index Decision Support System (ASIDSS) Model in Chapter Four, Section 4.2.2. The sub-area is considered to be the Municipality's most significant resource area, where numerous known and documented coastal resources and fish and wildlife habitats overlap. A description of the model and detailed resource maps were included with the March 2006, Final Draft Plan Amendment submittal.

Uses and activities that exist now and that may have the potential to impact the physical, biological, or cultural use of coastal resources upon which recreational uses depend, and that have the potential to have a direct and significant impact on important habitats, are described in Chapter Three, Section 3.1.1, of the Final Draft Plan as Issues of Local Concern. Chapter Three, Section 3.1.2, also includes a set of adopted goals and objectives, which describe long-range purpose and intent and more specific and shorter-term measurable statements of intent, respectively.

Chapter Four's Sections 4.1.5 and 4.1.9 describe, in detail, the Municipality's well-developed park, trail, and greenbelt system. The Designated Recreation Use Area encompasses acres of greenbelts and more than 120 miles of trails, which provide coastal access through the many

parks and natural areas. Included within the designation are several well-known major trail, greenbelt, and park systems: the Anchorage Coastal Trail, the Chester and Campbell Creek Greenbelts, and Far North Bicentennial Park. The designation also encompasses a number of important waterways that offer excellent recreational opportunities to residents and visitors alike; and they provide important habitat for fish and wildlife. These important waterways include: Ship Creek, Chester Creek, Fish Creek, Campbell Creek, Little Campbell Creek, Furrow Creek, Rabbit Creek, Little Rabbit Creek, Potter Creek, Eagle River, Knik River, Placer River, Portage Creek, Eagle River, Eklutna River, and Twenty-Mile River. This information is well documented in Chapter Four of the Final Draft Plan.

In addition, Chapter Four's Section 4.1.9 and Table 4-4 detail the Municipality's park system, which includes 53 acres of parkland per 1,000 population. Of those acres, 55 percent are found in 3 major parks, including 4,000 acres at Far North Bicentennial Park, 1,000 acres at Kincaid Park, and 600 acres at Ruth Arcand Park. Over 79 percent of parks, natural resource use areas, and recreation facilities in the Bowl are mostly used as natural resource areas with limited development. Local use of the Anchorage park and trail facilities is significant. The system includes neighborhood use areas, community use areas, special use areas, natural resource use areas, and trails and connections.

These parks are linked to the trail and greenbelt system, which comprise the Designated Recreation Use Area. Refer to the map of the coastal zone and Designated Recreation Use Area, and note that the coastal zone boundary and Designated Recreation Use Area follows the coastline and numerous drainages and watersheds. This is where the parks, trail systems, and coastal access points are focused in the Municipality.

Furthermore, Chapter Four, Section 4.1.3, describes the Anchorage economy relative to recreation. Anchorage is Alaska's largest city and a major gateway to recreational opportunities in the southcentral region as well as statewide. Public access to coastal resources, for both seasonal and year-round use, is essential to the Anchorage quality of life, local recreation, and the tourism economy. The local recreation and tourism economy relies heavily on the natural features found in Anchorage's coastal zone, including the diverse fish and wildlife resources, scenic views, open spaces, natural resource areas, and clean air and water.

Both Chapters Three and Four describe the strong community-wide commitment to creating a thriving, sustainable, broad-based economy that is built in harmony with the natural resources of the region and supported by efficient infrastructure. Local usage and experience, along with the physical, biological, and cultural attributes upon which recreation use depends, are well-documented in local, state, and federal planning studies and documents published about the Anchorage area. These documents are referenced in our plan submittal. See Chapter Four, Sections 4.1.1, 4.1.2, 4.1.9 and 4.1.11, especially. Local commitment to protecting and managing these recreation and public attributes are documented as a matter of local concern in a number of municipal plans, including:

- Anchorage 2020-Anchorage Bowl Comprehensive Plan
- 2005 Draft Anchorage Bowl Park, Natural Resource, and Recreational Facility Plan
- 1997 Anchorage Areawide Trails Plan
- 2005 Long Range Transportation Plan
- 1990 Utility Corridor Plan
- Girdwood Area Plan
- Turnagain Arm Comprehensive Plan
- Chugiak-Eagle River Comprehensive Plan
- 1985 Anchorage Park, Greenbelt, and Recreation Facility Plan (Volumes 1-4))
- Eagle River Greenbelt Plan
- Rabbit Creek Greenbelt Plan
- Coastal Scenic Resources and Public Access Plan
- Coastal Trail Plan: Ship Creek to Eklutna
- Seward Highway Scenic Corridor Plan
- Numerous individual Park Master Plans

All of these plans were either entirely dedicated to, or included, specific sections that documented existing and potential recreation use and management needs. These plans were developed with extensive public input and many have been adopted into Anchorage's Land Use Code. There is no need to repeat or summarize the findings of these municipal documents in this plan amendment, since they are all a matter of formal record, or adopted in code.

We believe the Final Draft Plan submitted on March 1, 2006, provides sufficient detail in support of the Designated Recreation Use Area per state regulations. New requests by OPMP for further justification need to be specific and linked directly to ACMP regulatory requirements for each information piece.

RFAI #3 11 AAC 114.250 (a) – (i) DESCRIPTION OF LAND AND WATER USES AND ACTIVITIES

The Final Draft Plan submitted to ADNDR adequately describes the land and water uses and activities subject to a district plan, per 11 AAC 114.250(a) – (i). Please refer to Chapter Five, Enforceable Policies and Chapter Six, Implementation. Chapter Five states the following:

All land and water uses and activities are considered proper as long as they comply with the enforceable policies of the MOA CMP, ACMP standards, and applicable federal and state regulations, and municipal regulations. A land or water use or activity will be considered improper if it is inconsistent with ACMP standards or the policies of the MOA CMP, or it does not comply with or cannot be made to comply with the applicable federal and state regulations.

Ms. Jaclyn L. Brock
April 13, 2006
Page 9

In addition, Chapter Six states the following:

In accordance with 11 AAC 114.260, the MOA CMP is required to identify uses and activities, including uses of state concern, that are considered proper and improper within the coastal zone. The MOA has not identified any uses that are categorically prohibited within its coastal zone. Proper and improper uses are determined by their compliance with enforceable policy requirements.

All land or water uses or activities within the MOA are considered to be proper as long as they comply with the policies of MOA CMP, the ACMP standards under 11 AAC 112, and applicable municipal, state, and federal regulations. All other land or water uses or activities are considered to be improper if they are inconsistent with ACMP standards, or the policies of this CMP, or if they do not comply, or cannot be made to comply, with applicable federal and state regulations.

Upon receipt of the State's preliminary findings and conclusions regarding the plan, revisions to the March 2006 Final Draft Plan Amendment will be considered by the Municipality's Planning and Zoning Commission and Assembly. In the interim, please consider this letter as supplemental information and the Municipality's formal response to the RFAI. In advance of the issuance of the preliminary findings and conclusions, we request written response to this letter. We look forward to working with OPMP to resolve outstanding issues.

Sincerely,

Tom Nelson
Planning Director

Attachment: Table 2, *Anchorage Wetlands Management Plan*

Ms. Jaclyn L. Brock
April 13, 2006
Page 9

In addition, Chapter Six states the following:

In accordance with 11 AAC 114.260, the MOA CMP is required to identify uses and activities, including uses of state concern, that are considered proper and improper within the coastal zone. The MOA has not identified any uses that are categorically prohibited within its coastal zone. Proper and improper uses are determined by their compliance with enforceable policy requirements.

All land or water uses or activities within the MOA are considered to be proper as long as they comply with the policies of MOA CMP, the ACMP standards under 11 AAC 112, and applicable municipal, state, and federal regulations. All other land or water uses or activities are considered to be improper if they are inconsistent with ACMP standards, or the policies of this CMP, or if they do not comply, or cannot be made to comply, with applicable federal and state regulations.

Upon receipt of the State's preliminary findings and conclusions regarding the plan, revisions to the March 2006 Final Draft Plan Amendment will be considered by the Municipality's Planning and Zoning Commission and Assembly. In the interim, please consider this letter as supplemental information and the Municipality's formal response to the RFAI. In advance of the issuance of the preliminary findings and conclusions, we request written response to this letter. We look forward to working with OPMP to resolve outstanding issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Nelson", is written over the printed name.

Tom Nelson
Planning Director

Attachment: Table 2, *Anchorage Wetlands Management Plan*